

INITIAL STATEMENT OF REASONS

Peace Officer Selection Standards

Regulation(s) 1951, 1953, 1954, and 1955

At the October 22, 2015 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section C – Regulation 1951 Peace Officer Reading and Writing Ability Assessment; Regulation 1953 Peace Officer Background Investigation, Regulation 1954 Peace Officer Medical Evaluation, and Regulation 1955 Peace Officer Psychological Evaluation

Justification for Proposed Revisions

POST is proposing changes to incorporate forthcoming changes to Government Code Section 1031(e): Peace Officer Education Requirements, to provide clear and consistent requirements for the sharing of background information between the background investigator and the screening psychologist, to outline the requirements for the reporting of Continuing Professional Education (CPE) courses by peace officer screening psychologists, and to clarify that only candidates found medically and psychologically suitable can be appointed as peace officers.

Justification – Regulation 1951 Peace Officer Reading and Writing Ability Assessment

1951(b) Date is updated to reflect current date.

Justification – Regulation 1953 Peace Officer Background Investigation

1953(c) Personal History Statements

Date is updated to reflect current form date.

1953(e)(5) Education Verification

Changes incorporate updates to the minimum peace officer education requirements contained in Government Code section 1031(e). Effective January 1, 2016, GC 1031(e) will allow for the acceptance of additional Department of Education high school equivalency exams beyond the General Education Development (GED) test, and will include revision to the list of acceptable accrediting bodies.

1953(g)(3) Information Access

Revisions to this section are being made to further clarify the requirements of the sharing of information between the background investigator and the screening psychologist. This will ensure that psychologists are provided with sufficient personal history information to review in the course of their evaluation, as required by Regulation 1955(e)(3). Psychologists may also provide information to the background investigator, if it is relevant to determining candidate suitability.

Justification – Regulation 1954

1954(d)(2) Date updated to reflect current form date.

1954(e)(1)(D) Language added to clarify and make specific that, prior to appointment, candidates must be found medically suitable. The current version does not directly specify that candidates must be evaluated and cleared prior to appointment.

1954(e)(4) Date is updated to reflect current form date.

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1954(f) Second Opinions
Format change only.

Justification – Regulation 1955

1955(a)(2) This section is being revised to integrate the newly issued POST Psychological Screening Manual and to clarify that the competencies (which were already incorporated by reference) are now located within the Manual rather than through a link on the POST website.

1955(b)(3)(B) Changes are editorial only.

1955(b)(4) Language is modified to update the process for providing Continuing Professional Education (CPE) information through the on-line tracking system.

1955(d)(2) Language is added to clarify that the previously incorporated Psychological Screening Dimensions are now located in the POST Psychological Screening Manual. Previously the dimensions were accessed through a link on the POST website.

1955(d)(3) Language is modified to include reference to the POST Psychological Screening Manual. Although the Manual is not required, the competencies and dimensions contained therein are and have been previously incorporated by reference. As consistent with the larger Peace Officer Selection Requirements (Regulations 1950-1955), POST includes guidance Manuals in regulation as a standard of practice for the benefit of law enforcement agencies [see references to the Background Investigation Manual – Regulation 1953(b) and the Medical Screening Manual for California Law Enforcement – 1954(c)].

1955(e)(1) Correction to reference location.

1955(e)(3) Addition of regulation reference for clarification purposes.

1955(f)(2)(D) Language added to clarify that peace officers must be found psychologically suitable prior to appointment. Previous language only indicated that they had to be evaluated for suitability rather than found suitable as required by Government Code 1031(f).

1955(g) Language was added to clarify that agencies should take into consideration the qualifications of the second opinion evaluator. This is consistent with the requirement that first opinion evaluators meet Government Code section 1031(f) and POST regulations, including specific education, experience, and continuing professional education (CPE) requirements.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

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Cost Impacts on Representative Private Persons or Businesses

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons that the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

Economic Impact Analysis

Impact of Jobs/New Business:

Because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement, adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

Assessment:

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Benefits of the Regulation:

The benefits of proposed amendments to the regulations will ensure that they are in compliance with state laws and consistent with current regulations in providing clear and comprehensive selection standards for California peace officers. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will not benefit the worker safety or the State's environment.